

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES CRAIG CRISTINI,

Petitioner,

v.

Civil No. 01-CV- 74483-DT
HONORABLE DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE

JEFFREY WOODS,

Respondent.

/

**OPINION AND ORDER GRANTING MOTION TO AMEND CAPTION TO
CHANGE RESPONDENT**

James Craig Cristini, ("Petitioner"), presently confined at the Kincheloe Correctional Facility in Kinross, Michigan, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, in which he challenges his conviction and sentence on one count of second-degree murder, M.C.L.A. 750.317; M.S.A. 28.549, one count of mutilation of a dead body, M.C.L.A. 750.160; M.S.A. 28.357, and habitual offender, second offense, M.C.L.A. 769.10; M.S.A. 28.1082. Petitioner has now filed a motion to change respondent, on the ground that he has been transferred to another prison from the prison that he was originally incarcerated in. For the reasons that follow, the motion is GRANTED.

The Court will order that the caption in this case be amended to reflect that the proper respondent in this case is now Jeffrey Woods, the warden of Kinross Correctional Facility in Kincheloe, Michigan, where petitioner is currently

incarcerated. The only proper respondent in a habeas case is the habeas petitioner's custodian, which in the case of an incarcerated habeas petitioner would be the warden. See *Edwards Johns*, 450 F. Supp. 2d 755, 757 (E.D. Mich. 2006); See also Rule 2(a), 28 foll. U.S.C. § 2254.

IT IS HEREBY ORDERED that the motion to change respondent [Dkt. # 155] is **GRANTED**. The caption in this case is amended to "James Craig Cristini v. Jeffrey Woods."

s/Denise Page Hood

Denise Page Hood

United States District Judge

Dated: February 22, 2012

I hereby certify that a copy of the foregoing document was served upon James Cristini #244014, 16770 S. Watertower Drive, Kincheloe, MI 49788 and counsel of record on February 22, 2012, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry

Case Manager